

Daniel Muna Quitugua - Pro Se

Reg. No. 00495-005

United States Penitentiary

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FILED
Clerk
District Court

DEC 05 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

ANGELO M. LABROCE,)

)

VS.)

)

S-WON INC., P&S, INC.,)

KYUN KIM, JOHN GERALD)

PANGELINAN, DANIEL MUNA)

QUITUGUA, DARREL MUNA)

QUITUGUA, JOE CRISOSTOMO.)

_____)

CIVIL ACTION NO. 05-0036

ANSWER OF DANIEL MUNA QUITUGUA

Defendant Daniel Muna Quitugua, Pro Se, hereby answers Plaintiff Angelo M. Labroce's ("Plaintiff") complaint and asserts defenses thereto as follows:

First Cause of Action:

(17) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the statement made in paragraph 17 of Plaintiff's complaint and therefore denies same.

(18) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 18 of Plaintiff's complaint and therefore denies same.

(19) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 19 of Plaintiff's complaint and therefore denies the same.

(20) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 20 of Plaintiff's complaint and therefore denies same.

(21) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 21 of Plaintiff's complaint and therefore denies same.

(22) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 22 of Plaintiff's complaint and therefore denies same.

(23) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 23 of Plaintiff's complaint and therefore denies same.

(24) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 24 of Plaintiff's complaint and therefore denies same.

(25) Defendant denies that he was the accomplice of Defendant JOHN. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 25 of Plaintiff's complaint and therefore denies same.

(26) Defendant lacks knowledge or information sufficient to form belief as to the truth or falsity of the

statement of paragraph 26 of Plaintiff's complaint and therefore denies same.

(27) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 27 of Plaintiff's complaint and therefore denies same.

(28) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 28 of Plaintiff's complaint and therefore denies same.

(29) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 29 of Plaintiff's complaint and therefore denies same.

(30) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 30 of Plaintiff's complaint and therefore denies same.

(31) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 31 of Plaintiff's complaint and therefore denies same.

(32) Defendant lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the allegation of paragraph 32 of Plaintiff's complaint and therefore denies same.

(33) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegation of paragraph 33 of Plaintiff's complaint and therefore denies same.

Second Cause of Action:

(35) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 35 of Plaintiff's complaint and therefore denies same.

(36) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 36 of Plaintiff's complaint and therefore denies same.

(37) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 37 of Plaintiff's complaint and therefore denies same.

(38) Defendant lacks knowledge or information

sufficient to form a belief as to the truth or falsity of the allegations of paragraph 38 of Plaintiff's complaint and therefore denies same.

Third Cause of Action:

(40) Defendant denies that he conspired to burglarize and steal money from Capital Poker, and further denies he ever intended to harm anyone in the furtherance of any criminal conspiracy as alleged in paragraph 40 of Plaintiff's complaint. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remainder of paragraph 40 of Plaintiff's complaint.

(41) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 41 of Plaintiff's complaint and therefore denies same.

(42) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 42 of Plaintiff's complaint and therefore denies same.

(43) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 43 of Plaintiff's complaint and therefore denies same.

(44) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 44 of Plaintiff's complaint and therefore denies same.

(45) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 45 of Plaintiff's complaint and therefore denies same.

Fourth Cause of Action:

(48) Defendant denies that he conspired to burglarize and steal from Capital Poker and Defendant further denies that he has ever intended to harm anyone as alleged in paragraph 48 of Plaintiff's complaint.

(49) Defendant denies entering into any conspiracy with Defendant JOHN. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remainder of the allegations of paragraph 49 of Plaintiff's complaint and therefore denies same.

(50) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 50 of Plaintiff's complaint and therefore denies

same.

(51) Defendant denies the he fled Capital Poker with Defendant JOHN as alleged in paragraph 51 of Plaintiff's complaint. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 51 of Plaintiff's complaint and therefore denies same.

(52) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 52 of Plaintiff's complaint and therefore denies same.

(53) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 53 of Plaintiff's complaint and therefore denies same.

(54) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 54 of Plaintiff's complaint and therefore denies same.

(55) Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 55 of Plaintiff's complaint and therefore denies same.

PRAYER

Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in the section "PRAYER" of Plaintiff's complaint and therefore denies same.

AFFIRMATIVE AND OTHER DEFENSES

(1) Defendant had no duty to protect Plaintiff from conditions of which he had no actual or constructive knowledge.

(2) Plaintiff's injuries, if any, were caused, in whole or in part, by the acts or omissions of persons or entities, including Plaintiff, over which Defendant has no responsibility or control.

(3) Defendant had no duty to Plaintiff.

(4) Plaintiff's injuries, if any, were not caused by answering Defendant in this action.

(5) Plaintiff failed to mitigate his damages.

(6) Plaintiff assumed the risk of his hazardous employment.

(7) Plaintiff's negligence contributed to his injuries, if any.

(8) Plaintiff's complaint fails to state a claim on which relief may be granted as to the answering Defendant.

(9) Defendant reserves the right to assert such other and additional affirmative defenses as may be discovered during the investigation and defense of this action.

REQUEST FOR RELIEF

Wherefore the Defendant respectfully requests relief as follows:

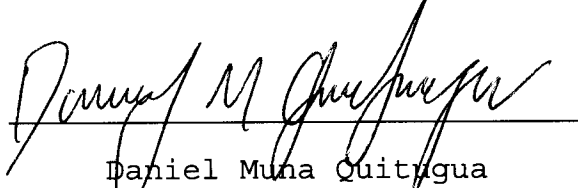
A. For judgement in favor of the Defendant and against Plaintiff dismissing this action with prejudice;

B. For judgement awarding costs incurred in this action; and

C. For such other relief as this Court deems just and equitable.

Respectfully Submitted,

this 2nd day of December, 2005



Daniel Muna Quitugua

I Daniel Muna Quitugua, hereby declare, under pain of perjury that I placed true and correct copies of the foregoing in the legal mail system at U.S.P. Atwater, in sealed envelopes, first class postage pre-paid addressed to:

Eric S. Smith, Bar No. F 0157

Smith and Williams

Attorneys at Law

P.O. Box 5133 CHRB

Saipan, MP 96950

Clerk of Court (original and four copies)

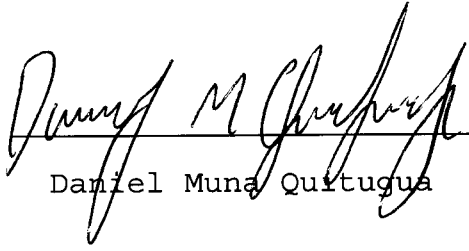
United States District Court for

the Northern Mariana Islands

P.O. Box 500687

Saipan, MP 96950

Which is deemed filed on this date it was delivered to prison authorities for forwarding pursuant to Houston V. Lack, 487 U.S. 266 (1988); United States V. James, 146 F.3d 1183, 1184 (9th Cir. 1998); and F.R.A.P. 25(a)(1)(C).

A handwritten signature in black ink, appearing to read "Daniel M. Qurtugua", written over a horizontal line.

Date: December 2, 2005

Daniel Muna Qurtugua